

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

FEBRUARY 1, 2010

Study Session

City Manager Jon Crusey opened the Study Session at 6:45 p.m. on this date.

Council members in attendance included Mayor Dee Gillis, John E. Kessler, Katie Black, Joe Gibson, George Lovett, Bryan Budding, and President Patrick Hale.

Others in attendance: Assistant City Manager Brad Vath, Law Director Joseph Moore, Assistant Utilities Director Christy Butera, Utilities Director Mo Eichman, City Engineer Scott Vagedes, Finance Director Richard Drennen, Fire Chief Steve Kessler, Reporter Nancy Bowman, and Clerk of Council Cathy Ross.

Council Retreat

Mr. Crusey and City Council discussed a Council Retreat to set goals and priorities for Council and decided to hold the retreat on March 5, 2010 from 9 a.m. to 3 p.m.

Unsafe Structures

Mr. Vath reviewed with Council the history and need for the ordinance on this evening's agenda regarding unsafe structures. He noted that the Miami County Building Regulations Department is contracted by Tipp City for all building inspections and permitting, but that they do not facilitate the repair or removal of dangerous and unsafe structures. The City's goal is to have the property owner repair the structure and make it structurally sound; however, if the property owner fails to act, then the City would be forced to act to protect the "health, safety, and welfare" of Tipp City. The City would attempt to repair the building first with the last resort being demolition. Mr. Vath reminded Council that Miami County Building Regulations Department recommended that immediate action be taken regarding the property at 204 N. Hyatt Street, but that the existing Tipp City code is silent on how to do this. Mr. Vath presented pictures of the property in question for Council's review. He also noted that this property is a historical structure in Hyattsville, but is not on the list of historic places and is not in the Restoration District of the City.

Mr. Moore stated that he believes this ordinance is necessary as currently the City has no recourse in this situation.

Mr. Kessler stated he would not have a problem demolishing property if it was unoccupied, but if it was an occupied building he would not want to do this. Mr. Moore stated that the City's code could not differentiate between occupied and unoccupied. Mr. Lovett also reminded Council that there could be innocent victims inside or in the neighborhood that could be injured if the building fell down.

Mr. Budding asked if Tipp City employees could just speak with the property owner. Mr. Vath stated that we could do that, but if the property owner didn't comply, there is currently nothing in place enabling the City to take action.

A question was raised about the City's potential liability, and Mr.

Water Tower

Moore stated that as long as the City is enforcing the ordinance, it will be immune. If you choose to take no action, it doesn't expose the City to any legal liability.

Mrs. Butera informed Council that the City received very good bids for the new water tower and reviewed with them the bids that were received. She explained that bids were received for both steel and composite towers and noted that she prefers steel because of its long history and aesthetics while the composite material has only been used in the US for about 25 years. Mrs. Butera also discussed with Council the request for a second floor to the tower to be used for storage. She explained the different locations the Water Department uses around the City for storage and noted that by adding a 2nd floor, the equipment would be more centralized. Council discussed the type of material they preferred and recommended a steel tower to include a second floor.

Adjournment

Meeting adjourned at 7:55 p.m.

Patrick Hale, President

Attest: _____
Cathy A. Ross, Clerk of Council

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

FEBRUARY 1, 2010

Council Meeting

Patrick Hale called to order the regular meeting of the Tipp City Council at 7:57 p.m. The following Councilmembers were present: President Patrick Hale, Katie Black, Bryan Budding, Joseph Gibson, Mayor Dolores Gillis, George H. Lovett, and John E. Kessler.

Others in attendance: Utilities Director Mo Eichman, Assistant Utilities Director Christy Butera, Assistant City Manager Brad Vath, Fire Chief Steve Kessler, City Engineer Scott Vagedes, City Attorney Joseph P. Moore, and Clerk of Council Cathy Ross.

Guests signing the register included: Rick Chaney, John Berbach, Belinda Lye, Matt Black, Father Marc Sherlock, Scott Brownlee, and Doug Lohnes.

Invocation and Pledge of Allegiance

Father Marc Sherlock, St. John the Baptist Catholic Church delivered the invocation and led the Pledge of Allegiance.

Approval of Agenda

Mr. Lovett made a motion to approve the agenda, seconded by Mr. Budding and unanimously approved.

Adoption of Minutes

Mr. Lovett made a motion to approve the minutes of the January 18, 2010 Study Session. Motion was seconded by Ms. Black and approved with a 6-0 vote. Mayor Gillis abstained.

Mr. Kessler made a correction to page 14 of the minutes to state that Boy Scout Troop #586 led the pledge of allegiance. Minutes were approved on a motion by Mr. Lovett, seconded by Mr. Kessler and approved with a 6-0 vote. Mayor Gillis abstained.

Presentations, Proclamations, and Awards

There were none.

Ordinances (Second Reading) Ordinance 4-10 Revised Codification

An ordinance adopting a revised Codification of the Tipp City Municipal Code.

Clerk of Council Summary: American Legal Publishing of Cincinnati has submitted the 2009 supplement to the Tipp City Code of Ordinances, which contains ordinances enacted in previous years and revisions to ordinances that make reference to sections of the Ohio Revised Code that have changed. The Clerk of Council has reviewed the code updates and recommends acceptance of the supplement.

City Manager Comments: The adoption of this ordinance would approve the codification of legislation that has been passed by City Council since the last codification in 2006. Codification involves placing laws in a code in a systematic order. Section 4.17(B) of the Tipp City Charter requires that Council periodically "provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law." The cost for

Ordinance 5-10
Enacting Codes Sections
94.70 to 94.76

codification is estimated at \$11,550.

There being no further discussion, Mr. Lovett sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Kessler and passed with a 7-0 vote. Ordinance 4-10 was declared passed and President Hale affixed his signature in witness thereto.

An ordinance authorizing the abatement of unsafe structures and enacting codes Sections 94.70 to 94.76 of the Codified Ordinances for the City of Tipp City.

Clerk of Council Summary: This ordinance updates Tipp City's existing code to adequately address this process or procedure.

City Manager Comments: This ordinance would enact legislation providing the City the authority to order the repair or removal unsafe structures, per Section 715.26 of the Ohio Revised Code. Whenever the City Engineer, or designee, determines that a structure is insecure, unsafe or structurally defective he shall notify the owner by certified mail giving the owner 30 days to voluntarily repair or remove the structure or reach an agreement with the City to bring the structure into compliance. The Engineer also has the authority to require the structure to be vacated with less than 30 days notice. If the owner fails to repair or remove the structure the City Manager may cause the repair or removal of the structure at the owner's expense. The owner may appeal to City Council within 10 days the Engineer's order to repair or remove any structure. Whenever it is determined that a building condition exists that poses an imminent threat, requiring immediate response to protect the public's health and safety, or to protect the occupants thereof from collapse, contamination or conflagration, the City Manager may issue an order requiring the immediate vacation of the premises and/or abatement of the hazardous condition. If the owner fails to act immediately, the City Manager is authorized to have the hazard abated at the owner's expense.

Mr. Kessler has reservations and expressed these in the study session over the owner occupied, but will be supporting this ordinance because he does see the need for the City to have something in place.

President Hale stated that he completely agreed and that it is important that we don't do anything to negatively affect homeowner's rights, but sometimes it's necessary for the public health, safety, and welfare sometimes it is necessary for us to make these decisions.

Mr. Budding stated that he has reservations about this ordinance and the law of unintended consequences will come into play. He stated that the way that we read it may not be the way the next Council reads it. Has no interest in adding power to Government.

Mr. Gibson stated that he also has issues and is concerned that this does not have enough protection for property owners and he will be voting no.

There being no further discussion, President Hale sponsored this ordinance and moved for its adoption. Motion was seconded by Mr. Kessler

Resolutions
(one reading required)

and passed with a 4-3 vote. Mr. Gibson, Ms. Black, Mr. Budding voted no. Ordinance 5-10 was declared passed and President Hale affixed his signature in witness thereto.

There were none.

Motions
Vacant position

President Hale moved to fill a vacant position in the Parks Department, seconded by Mr. Lovett.

Mr. Gibson questioned whether this was a City employee. Mr. Crusey stated that we had an opening in the Water/Wastewater Department which was filled by an employee from the Parks Department. This would authorize the City to fill the vacant Maintenance position in the Parks Department.

Mr. Budding asked for Mr. Vagedes to speak to the need for this position. Mr. Vagedes stated that the City has 450 acres to mow, trim and maintain with 3 people in the Parks Department and noted that a new position has not been added in at least 12 years. Bike trails have also been added to the workload. Part-time and seasonal employees have been cut, so to not fill this full-time position would be detrimental.

Mr. Gibson asked if, during the budget process, not filling this position or eliminating it was considered. Mr. Vagedes stated that it was considered but would require hiring additional summer employees. The current budget does not allow the extra summer positions. The Parks Department also has year round duties including taking care of the Government Center and the Fire Station. Mr. Crusey clarified that in the budget process, it was suggested that the Street and Parks Department Superintendent position be combined and that Superintendent would then have the opportunity to pull workers from two departments when needed. This idea was rejected by Council and now the Parks Superintendent can only rely on Parks Department employees and can't draw on the employees from the Street Department. Therefore it is necessary to fill this vacant position.

President Hale's motion was approved with a 6-1 vote. Mr. Kessler voted no.

Sick Leave Bonus

Ms. Black made a motion granting attendance awards to ten employees for 8 hours or less of sick leave usage in 2009.

Mr. Budding asked if this had always been done in the past. Mr. Crusey stated that this has been done for at least 10 years. Mr. Budding asked if employees banked these hours and were these hours paid out at retirement. Mr. Crusey stated that there is a percentage paid to employees, but there is a cap on the amount paid. Mr. Gibson asked for the estimated cost to the City for this bonus. Mr. Crusey replied that 10 employees are eligible and would receive \$100 each totaling \$1,000. Mr. Lovett asked what the City Manager recommends. Mr. Crusey stated that he believes that Council should approve the attendance awards noting that a lot of these employees have been on a wage freeze and have used vacation time if they were sick. Mr. Crusey added that having employees at work not using their sick leave is beneficial to the City and the residents. Mr. Gibson stated that we have been asking the City to

	sacrifice and he believes this is a very small way to show appreciation.
	Motion was seconded by Mr. Kessler and unanimously approved.
Building Standards Board of Review	President Hale made a motion to appoint Steve Gellatly to the Building Standards Board of Review for a partial term expiring March 31, 2012. Motion was seconded by Mr. Lovett. Mr. Lovett moved to close the nominations, seconded by President Hale and unanimously approved. Vote was then taken on Mr. Gellatly's appointment and it was unanimously approved.
Planning Board	Ms. Black made a motion to appoint Scott Brownlee to the Planning Board for a partial term expiring December 31, 2011, seconded by Mr. Budding. Mr. Lovett moved to close the nominations, seconded by President Hale and approved with a 6-0 vote; Mr. Kessler abstained. Vote was then taken on Mr. Brownlee's appointment and it was approved with a 6-0 vote; Mr. Kessler abstained.
	Mr. Lovett stated that there were two applications from two people well known to him including Adam Blake and Scott Brownlee. Both were very well qualified and submitted well filled out applications. He stated that one thing that stands out to him is when someone attends Council meetings and especially if they attend on the night they are nominated. Mr. Lovett then congratulated Mr. Brownlee on his appointment.
Tree Board	President Hale made a motion to appoint Thomas DeRoss to the Tree Board for a term expiring December 31, 2012, seconded by Mayor Gillis. Mayor Gillis made a motion to close nominations, seconded by Mr. Gibson. Vote was then taken on Mr. DeRoss' appointment and it was approved unanimously.
BZA	Mayor Gillis made a motion to appoint Kathy Vukovic to the Board of Zoning Appeals for a partial term expiring December 31, 2011. Motion was seconded by Mr. Lovett. Mr. Lovett made a motion to close the nominations, seconded by President Hale and unanimously approved. Vote was then taken on Ms. Vukovic's appointment and it was unanimously approved.
Public Hearing Gardens Alive	President Hale made a motion to set a date for a Public Hearing on February 16, 2010 regarding the Gardens Alive appeal on a BZA decision. Motion was seconded by Mr. Lovett and approved with a 6-0 vote; Mr. Gibson abstained.
Public Hearing Holiday Inn	President Hale made a motion to set a date for a Public Hearing on February 16, 2010 regarding Holiday Inn's appeal on a BZA decision. Motion was seconded by Ms. Black and unanimously approved.
Miscellaneous	There were none.
Citizen Comments	There were none.
Councilmember Comments	Mr. Gibson congratulated those appointed to Boards and reminded citizens that this meeting will be rebroadcast on Channel 5. He noted that the Cable Access Commission is publishing their schedule on the City's website and on TippNews.com and citizens may also add their email address to a list to

receive the schedule every two weeks. Planning Board and BZA meetings will also be broadcast to keep everyone informed.

Ms. Black thanked the applicants who applied for the Boards.

Mr. Lovett reported that on January 19th he attended the Legislative Day and Mayor's reception activities for the OMEA in Columbus. This is an opportunity for elected officials throughout the state of Ohio that represent public power communities to get an update on state and federal issues that could affect the electric systems serving our communities. Mr. Lovett explained that there is not much going on at the State level, but on the federal side there is still quite a bit that could be affect the City, including climate and energy change. He will be attending the American Municipal Power meetings in Washington DC February 22nd through 24th and will be meeting with John Boehner's energy aid and chief of staff and will also participate in similar meetings that others will be having. Mr. Lovett added that the City will be reimbursed for the trip to Washington DC and that when he returns he will give a full report to Council.

Mayor Gillis reported that Thursday night is the Downtown Tipp City Partnership's annual dinner to recognize the downtown and installation of officers and that Saturday is the art exhibit at Benkins.

City Manager Comments

Mr. Crusey informed Council that the City's Safety Funded project Exit #69 for the ramps was the number one rated safety project by the MVRPC staff but still needs Board approval. Mr. Crusey also noted that the main pump building improvements at Tri City Wastewater Authority were to be partially funded by stimulus funds, but they were recently informed that the entire project will be funded by stimulus funds.

Adjournment

The meeting was adjourned at 8:22 p.m. on a motion by Ms. Black, seconded by Mr. Kessler and unanimously approved.

Patrick Hale, President

Attest: _____
Cathy Ross, Clerk of Council

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